

REMARKS

Claims 1-47 were pending in the present application. The Office imposed the following restriction requirement.

- I. Claims 1-10, 12-33 and 35-39, drawn to recombinant host cells of the suborder *Cystobacterineae* containing an expression vector encoding a function polyketide synthase, classified in class 435, subclass 252.3.
- II. Claim 11, drawn to methods of making a polyketide, classified in class 435, subclass 76.
- III. Claim 34, drawn to epothilone derivative compounds, classified in class 568, subclass 382.
- IV. Claims 40-41, drawn to methods for purifying an epothilone from a host cell, classified in class 435, subclass 76.
- V. Claim 42, drawn to crystalline epothilone D, classified in class 568, subclass 382.
- VI. Claims 43-46, drawn to methods for fermentation of a *Myxococcus* host cell comprising culturing using a fatty acid or oil as a carbon source, classified in class 435, subclass 252.1.
- VII. Claim 47, drawn to compounds of the genus in Claim 47, classified in class 568, subclass 382.

Applicants elect Group IV (claims 40 and 41) without traverse. Applicants expressly reserve their right under 35 USC §121 to file one or more divisional applications directed to the non-elected subject matter during the pendency of this application, or an application claiming priority from this application.

By this amendment claim 40 is amended, claim 41 is canceled, and new claims 48-65 are added. Support for amendment to claim 40 is found in the specification at, e.g., paragraphs 272, 285, 291, 336, and 365. Support for new claims 48, 49 and 50 is found in the specification at, e.g., paragraph 364. Support for new claims 51, 52, and 53 is found in the specification at, e.g.,

paragraphs 363, 364, 374, and 380. Support for new claim 57, 58, and 59 is found in the specification at, e.g., paragraphs 19, 68, 72, and Example 3. Support for new claim 54 is found in the specification at, e.g., paragraphs 188, 189, 191, 268, 274, 278, 283, 296-301, and 306-309. Support for new claim 55 is found in the specification at, e.g., paragraphs 457 and 458. Support for new claim 56 is found in the specification at, e.g., paragraphs 19, 20, 67, 77-184, and 386. Support for new claims 60, 61, and 62 is found in the specification at, e.g., paragraphs 272, 285, 291, 336, and 365. Support for new claims 63 and 64 is found in the specification at, e.g., paragraph 363. Support for new claim 65 is found in the specification at, e.g., Example 3.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance.

If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

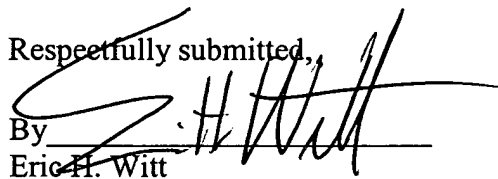
In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 300622007800. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: October 29, 2003

Respectfully submitted,

By

Eric H. Witt

A handwritten signature in black ink, appearing to read "Eric H. Witt", is written over a horizontal line. The signature is stylized with a large initial "E" and "W".

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